

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAN - 3 2006

JOHN F. CORCORAN, CLERK  
BY: *Sam Smith*  
DEPUTY CLERK

DAVID WAYNE PRUITT, #343943,  
Plaintiff,

Civil Action No. 7:05cv00560

v.

FINAL ORDER

ROCKINGHAM HARRISONBURG  
REGIONAL JAIL, et al.,  
Defendants.

By: Jackson L. Kiser  
Senior U.S. District Judge

In accordance with the Memorandum Opinion entered this day it, is hereby

**ORDERED**

that:

- 1) Defendant's motion for summary judgment as to plaintiff's claims brought under the First Amendment, is hereby **GRANTED**;
- 2) Plaintiff's claims brought under the Eighth and Fourteenth Amendments are hereby **DISMISSED** without prejudice pursuant to §1915A(b)(1);
- 3) All state law claims brought in the instant action are hereby dismissed without prejudice; and
- 4) This case will be **STRICKEN** from the active docket of the court.

Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Civil Procedure by filing a notice of appeal with this court within thirty (30) days of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5) or 4(a)(6).

The Clerk of the Court is directed to send certified copies of this Order and accompanying Memorandum Opinion to plaintiff and counsel of record for the defendants.

ENTER: This 3<sup>rd</sup> day of January, 2006.

*Jackson L. Kiser*  
Senior United State District Judge